

## CIVIL DOCKET

BARROW—

69-C-152-E

## UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

8

## TITLE OF CASE

## ATTORNEYS

Bruce H. Harlton, Jr.

vs

The Secretary of the United States  
Air Force, United States of America

## For plaintiff:

*Harlton & E. Harlton*  
Floyd L. Walker  
PRAY, WALKER, JACKMAN, WILLIAMSON  
& MARLAR  
2200 Fourth Nat'l Bank Bldg.  
Tulsa, OK 74119  
584-4136

## For defendant:

Philard Rounds, Jr.  
Ass't. U. S. Attorney

## STATISTICAL RECORD

## COSTS

## DATE

NAME OR  
RECEIPT NO.

## REC.

## DISB.

J.S. 5 mailed 8-1 2-1-82

Clerk

7-10-69 Harlton  
7-17-69 C/D 3

15 00

15 00

J.S. 6 mailed 6-1-72 10485

Marshal

Basis of Action: Additional  
compensation

Docket fee

Witness fees

Action arose at: Tulsa

Depositions

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-10-69	Complaint, filed. Summons issued. m	
7-14-69	Return on service of summons, filed. Served Hubert Marlow, Asst US Atty, at Tulsa, Okla on 7-11-69, and mailed 2 copies to The Attorney General, Dept. of Justice, Was. D. C. by certified mail, return receipt requested, on 7-11-69. (\$3.00) ds	
7-28-69	Return on service of summons, filed: served Secretary of Air Force at Arlington, Va. on 7-16-69. (USM \$6.40)g	
8-21-69	Stipulation for extension of time to answer or plead, and order granting defendant 90 days from and after Sept. 9, 1969, to answer or otherwise plead. (AEB-J)g	
12-8-69	Stipulation, filed. b	
3-3-70	Stipulation of attorneys that defendant may have until 6-1-70 to plead or answer, filed. ds	
6-1-70	Stipulation for and order granting defendant until 8-15-1970, to answer or otherwise plead, filed. (AEB-J)g.	
8-14-70	Defendant's Answer, filed. ds	
8-21-70	Parties to hold pre-Trial prior to 9-21-70, and file pre-trial order no later than 9-28-70, (AEB-J)v	
9-28-70	Motion of defendant for enlargement of time within which to submit pre-trial order, filed. b	
9-28-70	Order that parties shall extend the time of filing a pre-trial order from 9-28-70 to and including 10-15-70. filed. (AEB-J)v	
10-15-70	Joint Motion for enlargement of time within which to submit pre-trial order, filed. v	
10-15-70	Brief in support of joint motion for enlargement of time within which to submit pre-trial order, filed. v	
10-16-70	Order that parties are granted until 12-15-70 to submit a pre-trial order, filed. (AEB-J)m (copies mailed)	
12-15-70	Motion to Dismiss of Defendants. Filed. v	
12-15-70	Brief in support of Motion to Dismiss, filed. v	
12-15-70	Ordered by the Court that Plaintiff is granted 10 days from this date to respond to Defendant's Motion to Dismiss. (AEB-J)v	
12-24-70	Application for Additional time to respond to motion to dismiss and Brief in deft., filed by Plaintiff. Filed. v	
12-29-70	Order (a part of application) filed that request for additional 10 days to respond to the motion to dismiss and brief in support thereof filed by the defendant herein is granted. (Allen E. Barrow-Judge)b copies of avoe order mailed to counsel. b	
1-4-71	Plaintiff's Bried in respond to Defendants Motion to Dismiss. filed. v Attached affidavit.	
8-5-71	Order by Court that Magistrate hear Deft.'s motion to dismiss.(AEB-J)v	
8-5-71	Hearing held on Deft.'s motion to dismiss. Statements were made and then the motion was overruled. (MLB-Mag) v	
8-9-71	Order overruling deft's Motion to Dismiss, filed. (MB-Mag.) r <i>Copies mailed to attys</i>	
8-23-71	Nunc Pro Tunc Order: It is ordered that the minute order entered on 8-5-71 be amended nunc pro tunc to read as follows: Hearing held on defendant's motion to dismiss. Statements were made and it is the recommendation of the U. S. Magistrate to the Court that said motion be overruled.	
8-23-71	It is ordered that the order filed August 9, 1971, be and the same is vacated and defendant is directed to prepare and submit to the Court a proposed order in conformity with the nunc pro tunc minute order within 5 days of this date. (AEB-J)	

Continued

DATE	PROCEEDINGS	Date Order or Judgment Noted
9-24-71	Order overruling defendant's motion to dismiss, filed. (AEB-J) ds	
12-8-71	Parties directed to hold pre-trial prior to 1-12-72 and file pre-trial order not later than 1-19-72. (AEB-J)m	
1-19-72	Motion of the Deft. for enlargement of time within which to file approved Pre-Trial order, filed with Brief in support as apart of the pleading.v	
1-21-72	Ordered that the parties herein are granted an enlargement of time within which to submit an approved pre-trial order from 1-19-72 to and including 1-29-72, filed. (AEB-J)v --copies mailed.	
2-1-72	Pre-trial order, filed. (AEB-J)hm	
3-21-72	Trial brief of the plaintiff, filed. hm	
3-21-72	Case set for non-jury trial 3-27-72 at 10:00 a.m. (AEB-J)hm	
3-21-72	It is ordered that this case is stricken from N/J docket of 3-27-72 and reset for N/J on April 3, 1972 at 10:00 A.M. (AEB-J)h	
4-3-72	Ordered by the Court that this case is stricken from N/J docket of 4-3-72 and reset for N/J on April 6, 1972 at 10:00 A.M. (AEB-J)v	
4-4-72	Ordered by the Court that this case is stricken from N/J docket of 4-6-72 and reset for N/J on April 11, 1972 at 10:00 A.M. (AEB-J)v	
4-11-72	Case called for Non-Jury Trial. Parties present and represented. Parties given 30 days to file recommended findings and conclusions. (AEB-J)v	
5-4-72	Suggested Findings of Fact and Conclusions of Law of the Deft., filed.v	
5-10-72	Plaintiff's suggested findings of fact and conclusions of law, filed. ds	
5-16-72	Findings of Fact and Conclusions of Law, filed. r (AEB-J)	
5-16-72	Judgment filed and entered. Ordered that Pltf have his name placed on permanent disability retired list of U.S. Air Force as of Sept. 1, 1962; that U.S. of America be credited for previous retirement benefits paid; that U.S. is not entitled to credit for active reserve and Nat'l Guard pay & allowance received by Pltf; that Pltf is granted int. at rate of 6% on disability retirement arrearage payments from due date; and that the Air Force Acctg & Fin Center, Denver, Colo., calculate & establish the amount due Captain Hanton, pursuant to this order, filed and entered. (AEB-J) r (copies to attys & Air Force Acctg & Fin Center)	
7-12-72	Notice of appeal by defendant, filed. cpy to USCA & Tom Brett. g	
8-9-72	Mo. of def. for enlargement of time to docket record, with brief in support thereof, filed. rm - order to J.	
8-10-72	Order granting def. to 10/10/72 to docket record on appeal. (AEB-J)rm <i>copies mailed</i>	
9-1-72	Transcript of proceedings had on 4/11/72, filed. rm (Larry Marks-CR)	
9-29-72	Appeal record (2 vols.) sent to USCA. (orig. + 3 cpies)g	
11-20-72	C.C. of Order of USCA dismissing appeal on stipulation of parties, filed and spread of record. g	
11-22-72	Appeal record (2 vols.) rec'd from USCA. g	
1982		
1-28	MOTION of pltf to compel satisfaction of judgment & memorandum in support. hm	
2-4	APPLICATION of USA for ext of time to file resp to pltf's Mo/compel satisfaction of jmn't. (O to J)jc	
2-5	ORDER Granting deft, USA until 3-10-82 to resp to pltf's mo/compel satisfaction of jmn't. (JOE-J)jc(c/USA)	

DATE 1982	PROCEEDINGS	Date Order or Judgment Noted
3-5	MOTION <sup>of deft</sup> for a more definite statement pursuant to rule 12(e) of FRCP. (O to J)a	
3-5	APPLIC of deft for exten of time to resp to pltf's mot/compel satisfaction of judgment.(O to J)a	
3-9	ORDER that deft have until 3/31/82 to file resp to pltf's mot/compel satisfaction of judgment.(JOE-J)a cps/mvt	
3-9	ORDER pursuant to rule 12(e) of the FRCP.(JOE-J)a cps/mvt	
3-25	SUPPLEMENTAL to pltf's mot to compel satisfaction of judgement.a	
3-30	RESPONSE of the USA to pltf's mot/compel satisfaction of jmn't; w/ exhb."B" (Large brown bound). (O requesting Hrg. to J)jc	
4-2	ORDERED that pltf's mot/compel satisfaction of judgment is set for hrg on 5/25/82 at 9:00 AM.(JOE-J)a cps/mld	
5-25	MIN: Hrg. on pltf's mot/compel satisfaction of judgement. Ct. to review material presented by Govt. this date. Govt. given 20 days to respond to pltf's theory of recovery. Further hrg set 6-28-82, 9:00 a.m.(JOE-J)b nts/m	
5-25	DECLARATION OF Lt. Col. T.H. Parkinson. b	
6-17	MOTION of US Atty to dismiss or in the altern. mo/transfer, pursuant to 28 USC §1406(c)jc	
6-17	BRIEF in support of mo/US to dismiss, etc.jc	
6-24	REPLY of pltf to defts mot/dismiss & mot/transfer.a	
6-28-82	MIN: Further hrg. held. Court to review & make prompt ruling.(JOE-J)b	
9-9-82	SUPPLEMENTAL BRIEF in opposition to deft's mot/dism or transfer. bb	
10-1-82	ORDER denying deft's mot/dismiss or in the alternative to transfer. Parties are granted 20 days to file any supplemental arguments & authorities in support of their positions on pltf's mot. to compel satisfaction of judgment. (JOE-J) cm bb	
10-20	SUPPLEMENTAL BRIEF in support of deft., U.S.A.'s obj to pltf's mot/compel satisfaction of jumn't. bb	
10-21	APPLICATION of pltf's for ext to respond to supplemental brief of deft., USA. (O) bb	
10-28	ORDER granting pltf., 15 days from 10-21 to respond to Supplemental Brief of the deft. (JOE-J) c/mvt bb	
11-5	APPLICATION of pltf., for ext., to file response to deft., USA's obj. to pltf's mot/compel satisfaction of jumn't. (O) bb	
11-10	ORDER that pltf is granted to 11-15-82 to resp to defts obj (JOE-J)a cps/mvt	

## D. C. 110A Rev. Civil Docket Continuation

DATE 1982	PROCEEDINGS	Date Order or Judgment Noted
11-15	BRIEF of pltf in response to supplemental brief of deft, U.S.A. nd	
1983		
1-20	MO: STATUS CONF. set 1-24-83, 1:00 p.m.(JOE-J)b n/phone	
1-24	MIN: CONF. held. Court will entering ruling, & directs cpy of ltr from Air Force rec'd by U.S. Atty's office be made part of file.(JOE-J)b	
1-24	CPY OF LETTER from Air Force dated 6-25-82. b	
1-25	ORDER that pltf be pd the amt due him as interest @ 4% from the date of original judgment; ORDERED that motion of the pltf to compel satisfaction of judgment is hereby denied.(JOE-J)a cps/mld	
2-23	NOTICE OF APPEAL by Pltf. from the order entered on 1-25-83. pt fees paid cps/mld&USCA	
3-3	LTR. recd. from 10th Cir. assigning Appeal No. 83-1272. pt	
3-18	LTR. recd. from 10th Cir. re notice of transcript order to be filed by 3-25-83 or case will be dismissed pursuant to Tenth Cir. Rule 15. pt	
4-4	MANDATE dismissing the appeal for lack of prosecution pursuant to R. 15 of the R. of the USCA. pt (O to J for OK)	

DATE	PROCEEDINGS	Date Order or Judgment Noted